

### REMARKS

Claims 4-19 are pending in the application. Claim 8-19 have been allowed. Claim 4 has been amended. Claims 20-23 have been canceled. Applicants submit that no new matter has been added to the application by the Amendment.

Applicants respectfully request that the Amendment After Final be entered in accordance with 37 CFR §116 and MPEP 714.13 since the Amendment places the application in condition for allowance.

### Rejection - 35 U.S.C. § 102

The Examiner rejected claims 4-7 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,009,056 (Araki et al.). In respect to claim 4, the Examiner states that Araki et al. at col. 4, lines 65-67 discloses a variable clock section for outputting a plurality of clock signals of different frequencies wherein the variable clock output section changes a frequency of the clock according to a recording speed and or a reproduction speed. Applicants respectfully traverse the rejection.

Araki et al. discloses a voltage controlled oscillator 208 to generate a variable reference clock C2 in which the oscillator frequency varies according to the VCO control signal C1 from the CPU 206 (col. 4, line 65 to col. 5, line 2). The control signal C1 for the VCO is based on the position of the actuator 202 and the speed of the spindle motor 203 (col. 4, lines 56-62).

Amended claim 4 recites, *inter alia*, "...the variable clock output section changes a frequency of the clock signal according to a recording speed and/or a reproduction speed when the converting section performs recording and/or reproduction ...".

Araki et al. teaches that the frequency of the VCO during recording and reproduction is based on position of the actuator and the spindle speed and does not teach, suggest or disclose changing the frequency of the clock signal according to a recording speed and/or reproduction speed when the converting section performs recording and or reproduction as recited by amended claim 4.

Amended claim 4 further positively recites that the optical disc device changes the recording and reproducing speeds by changing a disc motor rotation.

Further, and equally important is the fact that Araki et al. discloses at col. 4, lines 39-42 that data is recorded at a constant density and at col. 4, lines 45-46, that his invention is for a fixed linear speed of a track. Consequently, the recording/reproduction speed of the data is fixed to a single speed for all tracks. Amended claim 4 recites an optical disc device which changes the recording and reproducing speeds by changing a disc motor rotation.

Applicants submit that because Araki et al. discloses changing the VCO frequency based on the position of the actuator and rotary speed of the spindle and not the recording (reproduction) speed of a track, and because Araki et al. operates at a fixed linear (recording/reproduction) speed and does not change recording/ reproduction speeds, Araki et al. does not anticipate amended claim 4. Accordingly, Applicants respectfully request reconsideration and withdrawal of the §102 rejection of claim 4.

Further, it is respectfully submitted that since claim 4 has been shown to be allowable, claims 5-7 dependent on claim 4 are allowable, at least by their dependency.

### Conclusion

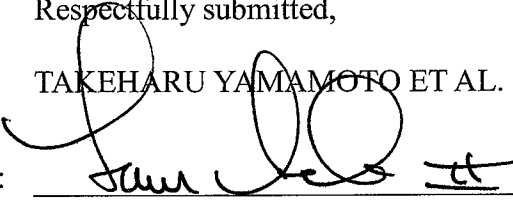
Insofar as the Examiner's rejections to claims 4-7 and 20-23 have been fully addressed, the instant application is in condition for allowance. Withdrawal of the Final Rejection, formal entry of the present "Amendment After Final," and issuance of a Notice of Allowability is therefore earnestly solicited.

Respectfully submitted,

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(Date)

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